

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-27 were pending at the time of the outstanding Office Action. Claims 1, 4, 6-8, 10, 11, 15, 17, 21, 24, 26 and 27 have been amended, and claims 3, 9 and 23 have been cancelled. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1, 2, 4-22 and 24-27 remain pending in the application.

Prior Art Rejections:

Claims 1, 3-8, 15-19, 21 and 23-27 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,998,016 to Nose et al. (hereinafter "Nose"). Claims 2, 9-14, 20 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nose in view of U.S. Patent 6,477,132 to Azuma et al. (hereinafter "Azuma").

Claim 1 has been amended to recite an electrostatic actuator that includes a first and second electrode, wherein the second electrode is supported by a plurality of flexible extension members. Independent claims 8, 15 and 21 recite similar features. These members are configured to apply a voltage to the second electrode. The Office Action refers to the insulating film 5 and the probe electrode 6 of Nose to teach these features of the independent claim. With reference to Nose, "[T]he insulating film 5 serves to insulate the probe 7, detecting generated tunnel current and the probe electrode 6 (electrically connected to the probe 7) from the upper electrode 4." (column 6, lines 17-20)

The flexible extension members of the invention as claimed in the independent claims support the second electrode. There is no indication that the insulating film provides support to the second electrode. Rather, as taught in Nose, it insulates the probe and probe electrode from the second electrode. Further, the probe electrode also provides no support to the second electrode, as required by a flexible member extension member of the independent claims. There is also no teaching or suggestion in Nose that the insulating film or probe electrode are configured to apply a voltage to the second electrode (as in claims 4 and 24) or that they are configured to supply electrical current to the heater (as in claims 5, 19, and 25).

Thus, it is respectfully submitted that the insulating film and probe electrode do not teach the feature of flexible extension members of the independent claims. Further, there is no such teaching or suggestion to be found in Nose. Even if the bridge were taken to be flexible extension members, there is more than one pair of flexible extension members utilized in the instant invention, and for more than one purpose. Thus, the bridge would also not teach the features of the independent claims. If this rejection is maintained, the Examiner is respectfully requested to point out where these features are found in Nose.

Azuma does not make up for the deficiencies of Nose as pointed out above. There is no teaching or suggestion in Azuma of flexible extension members which support the second electrode, and apply voltage to the second electrode and electrical current to the heater. Thus, if this rejection is maintained, the Examiner is respectfully requested to point out where these features are found in either Nose or Azuma.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Conclusion:

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

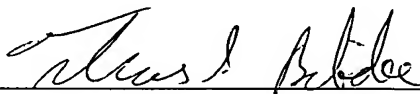
At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.


Respectfully submitted,

Date July 25, 2007

HEWLETT PACKARD COMPANY
Customer Number: 22879
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By

 *Reg. No. 43,438*

 William T. Ellis
Attorney for Applicant
Registration No. 26,874